

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:05CR3039
	)	
V.	)	
	)	
Defendant.	)	MEMORANDUM AND ORDER
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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:05CR3091
	)	
V.	)	
	)	MEMORANDUM AND ORDER
THOMAS E. MILLER,	)	
	)	
Defendant.	)	

There are two cases pending regarding Mr. Miller and he is in the custody of the Bureau of Prisons. I have not heard from the Bureau of Prisons in some time.

In 4:05CR3039, Miller was found competent to enter a plea of guilty and was found guilty. However, he was found incompetent to proceed to sentencing. Accordingly, he was committed to the Bureau of Prison for care and treatment by virtue of a provisional sentence for the maximum term of imprisonment (three years) as provided by 18 U.S.C. § 4244(d). (Filing 140 in 4:05CR3039.)

In 4:05CR3091, and prior to any conviction in that case, I committed Miller to the Bureau of Prisons because Miller was incompetent, it was unlikely that his competence would be restored and a further evaluation of Mr. Miller was required regarding the question of dangerousness as contemplated by the provisions of 18 U.S.C. § 4241(d) and 18 U.S.C. § 4246(a)&(b) and related statutes.

To update the status of these cases,

IT IS ORDERED that my judicial assistant shall contact Adeirdre Stribling, Ph.D., staff psychologist, Mental Health Department, Federal Medical Center, Butner, North Carolina and counsel of record to arrange a telephone status conference. Prior to the telephone conference, Dr. Stribling is requested to submit to the undersigned, and counsel of record, a brief written status report for each case. The written status report should discuss Mr. Miller's condition as it regards 4:05CR3039 and his ability to proceed to sentencing. The written status report should also discuss Mr. Miller's dangerousness within the context of 4:05CR3091 and his ability to proceed to the defense of that case.

DATED this 16<sup>th</sup> day of November, 2009.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge